

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : FRICKE et al.
Serial No. : 10/554,715
Confirm. No. : 9521
Filed : October 27, 2005
For : SURGICAL FLAT IMPLANT
Art Unit : 3773
Examiner : Alexander J. Orkin
Dated : November 10, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.136 (a)

Sir:

The Office Action dated July 16, 2009 provided for a shortened statutory period for response of three months.

The shortened statutory period expired October 16, 2009.

Since the attached response is being filed within the first month pursuant to 37 CFR 1.136(a) Applicant respectfully requests the Examiner to charge the appropriate petition fee of \$130.00 (fee code 1251).

Respectfully submitted
for Applicant(s),



By: _____
John James McGlew
Reg. No.: 31,903
For: MCGLEW AND TUTTLE, P.C.

JJM/BMD:tf

DATED: November 10, 2009
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND
TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO
OUR DEPOSIT ACCOUNT 13-0410.